

RESOLUTION NO.

Resolution of the Planning Commission of the City of San José granting, subject to conditions, a Site Development Permit to use certain real property described herein for the purpose of expansion of a single-family residence.

FILE NO. SF03-036

BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF SAN JOSÉ:

WHEREAS, pursuant to the provisions of Chapter 20.100 of Title 20 of the San José Municipal Code, on December 4, 2003, an application (File No. SF03-036) was filed for a Site Development Permit for the purpose of constructing a 1,555 square-foot first floor and a 1,785 square-foot second floor addition to an existing 1,008 square-foot, single-family residence resulting in a 4,550 square-foot house, on that certain real property (hereinafter referred to as "subject property"), situate in the R-1-8 Residence Zoning District, located at 1335 Glenwood Avenue, San José, and

WHEREAS, the subject property is all that real property described in Exhibit "A," which is attached hereto and made a part hereof by this reference as if fully set forth herein; and

WHEREAS, pursuant to and in accordance with Chapter 20.100 of Title 20 of the San José Municipal Code, the Director of Planning, Building and Code Enforcement conducted a hearing on said application; and

WHEREAS, on April 23, 2004, the Director of Planning, Building and Code Enforcement denied the application, from which decision a neighbor has appealed to this Planning Commission; and

WHEREAS, pursuant to and in accordance with Chapter 20.100 of Title 20 of the San José Municipal Code, this Planning Commission conducted a hearing on said application, notice of which was duly given; and

WHEREAS, at said hearing, this Planning Commission gave all persons full opportunity to be heard and to present evidence and testimony respecting said matter; and

WHEREAS, at said hearing this Planning Commission received and considered the reports and recommendation of the Director of Planning, Building and Code Enforcement; and

WHEREAS, at said hearing, this Planning Commission received in evidence a development plan for the subject property entitled, "Quink Residence Remodel and Addition,"

dated December 2, 2003, and last updated March 11, 2004. Said plan is on file in the Department of Planning, Building and Code Enforcement and is available for inspection by anyone interested herein, and said development plan is incorporated herein by this reference, the same as if it were fully set forth herein; and

WHEREAS, said hearing was conducted in all respects as required by the San José Municipal Code and the rules of this Planning Commission;

NOW, THEREFORE:

After considering evidence presented at the Public Hearing, the Planning Commission finds that the following are the relevant facts regarding this proposed project:

1. The proposed site is located in the R-1-8 Residential Zoning District.
2. The site has a designation of Medium Low Density Residential (8 DU/AC) on the adopted San José 2020 General Plan Land Use/Transportation Diagram.
3. The project proposes to construct a 1,555 square foot 1st-floor and a 1,785 square foot 2nd-floor addition to an existing 1,008 square foot one-story residence resulting in a 4,550 square foot house.
4. The site is approximately 8,735 square feet or 0.2 gross acres.
5. The proposed floor area ratio of the project is 0.52.
6. A Single-family House Permit is required for a new or expanded single-family residence that exceeds a Floor Area Ratio (FAR) of 0.45.
7. The subject site and surrounding sites are developed with single-family residences. The majority of residences on this block of Glenwood Avenue are single story.
8. The Single-Family Design Guidelines state that, "The size and massing of new houses and additions should be compatible with the general scale and shapes of surrounding houses. On blocks where single story houses or small two-story houses are the predominant block pattern, a second story addition... may require particular attention to keep the perceived scale of the new construction compatible with the surrounding structures."
9. The adjacent house to the west of the subject site is a small single-story single-family house with a large rear yard.
10. The adjacent house to the east of the subject site is a two-story single-family home with rear yard open space extending for more than 80 feet on the back of the lot.
11. The project proposes an 80-foot long unarticulated two-story wall set back five feet from the west side of the lot.

12. The project as proposed includes an approximately 740 square foot internal court surrounded by a 435 square foot garage and house walls.
13. The project as proposed takes up almost the entire building envelope on this large lot, leaving adequate open space facing adjacent sites.
14. The Single-Family Design Guidelines (SFDGs) recommend the following measures to minimize the perceived scale of houses: a) the building profile may be limited, b) the second story may be set back from the front and sides of the first story, c) the second story may be significantly limited in relation to the first, d) the front or side setbacks for the entire structure may be increased, and/or e) 60 or 70 percent of the second story may be placed over the back half of the first story.
15. For the subject proposal, the building profile at the front façade remains unchanged and the second story is set back from the front façade of the house as suggested in the SFDGs.
16. On the west elevation, the second story is not set back from the sides of the first story of the house as suggested in the SFDGs.
17. The front, rear and side setbacks for the structure have not been increased as suggested in the SFDGs.
18. The project proposes a second floor that is over the back half of the house; however, the square footage of the second story represents 77 percent of the first story, which is greater than the 60 to 70 percent recommended by the SFDGs.
19. The representative of the owner of the house to the west of the subject site indicated the applicant had agreed to provide additional screening landscaping and fence detailing along shared property line.

FINDINGS

Finally, based upon the above-stated facts, the Planning Commission finds that:

1. The proposed single-family house is in conformance with the recommendations of the Single-Family Design Guidelines.
2. The proposed house is compatible with the general scale of the surrounding neighborhood.
3. The interrelationship between the orientation, location, and elevations of the proposed buildings and structures and other uses on site are mutually compatible and aesthetically harmonious.
4. The orientation, location, and elevation of the proposed buildings and structures and other uses on the site are compatible with and aesthetically harmonious with adjacent development and the character of the neighborhood.
5. The environmental impacts of the project, including but not limited to noise, vibration, dust,

drainage, erosion, and odor which, even if insignificant for purposes of the California Environmental Quality Act (CEQA), will not have an unacceptable negative effect on the adjacent property or properties.

Finally, based upon the above-stated findings, the Planning Commission approves the proposed application.

Approved this 9th day of June, 2004, by the following vote:

AYES: JAMES, CAMPOS, PLATTEN, ZAMORA

NOES: ZITO, LEVY, DHILLON

ABSENT: NONE

DISQUALIFIED: NONE

Chairperson

ATTEST:

Stephen M. Haase, Secretary

Deputy

NOTICE TO PARTIES

The time within which judicial review must be sought to review this decision is governed by the provisions of the California Code of Civil Procedure Section 1094.6.

CH:ll